

Docket No.: GR 95 P 1411 P

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By: 

Date: December 12, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gunther Plasa

Applic. No. : 09/020,872

Filed : February 9, 1998

Title : Method for Producing a Memory Cell

Examiner : Walter L. Lindsay Jr.

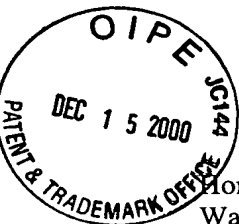
Art Unit: 2812

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#17
Petition to
w/d Abandonment



REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

Sir:

Counsel received a Notice of Abandonment dated December 5, 2000, in the above-identified application for failure to timely file a proper response to the Office Action dated March 1, 2000.

Enclosed herewith is a copy of the amendment under 37 C.F.R. 1.116 which was timely submitted to the Patent Office on May 26, 2000 and filed in the PTO on May 30, 2000 as can be seen from the enclosed copy of the postcard.

Also enclosed is a copy of the Advisory Action dated June 9, 2000 which issued in response to the aforesaid final amendment and the CPA which was filed in the Patent Office on July 3, 2000 together with a request for a one-month extension. Copies of the postcards showing the filing date of the CPA and the extension in the Patent Office are also enclosed.

It is respectfully requested that the holding of abandonment be withdrawn.

Respectfully submitted,


For Applicants

Date: December 12, 2000

Lerner and Greenberg, P.A.

Post Office Box 2480

Hollywood, FL 33022-2480

Tel: (954) 925-1100

Fax: (954) 925-1101

/bb

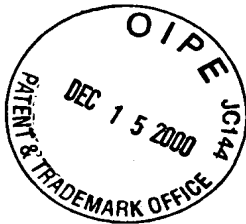
LAURENCE A. GREENBERG
REG. NO. 29,308

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DOCKET NO. GR 95 P 1411 Mailed May 26, 2000
APPLIC. NO. 09/020,872 Express Mail
The stamp of the Patent Office hereon may be considered the date on which
papers indicated below were received.

Applic pgs . . . Rule 53b New ☐ Contin ☐ Div ☐ CIP ☐ / Rule 53c Prov. ☐ / Rule 53d CPA ☐
☐ CIP . . . pgs ☐ TM ☐ Design ☐ . . . Dwgs ☐ inf. ☐ fml. ☒ Mailing Certif.
☐ Priority Claim ☐ Cert. Prior. Doc(s) ☐ PCT Cover Sheet WO
☒ Amend pgs 5 . ☐ Prel. Amend pgs . . . ☐ Letter
☐ Response pgs . . . ☒ 37CFR1.116 ☐ Not. of Appeal
☐ Brief pgs . . . ☐ Appndx pgs . . . ☐ I.D.S. + . . . Refs.
☒ Assoc Pwr of Atty ☐ . . . Specimen ☐ Declaration
☐ Pet. for Ext . . . Mo. ☐ Pet . . . ☐ Check \$. . .
☐ Issue Fee ☐ Assignment ☐ PTOL
☐ St. of Use ☐ Cert. of Corr. ☐ File rec. corr

(Patent Office. Please stamp and return to addressee on reverse side.)



DOCKET NO. GR 95 P 1411 Mailed July 3, 2000
APPLIC. NO. 09/020,872 Express Mail EL608559287US
The stamp of the Patent Office hereon may be considered the date on which
papers indicated below were received.

Applic pgs . . . Rule 53b New ☐ Contin ☐ Div ☐ CIP ☐ / Rule 53c Prov. ☐ / Rule 53d CPA ☐
☐ CIP . . . pgs ☐ TM ☐ Design ☐ . . . Dwgs ☐ inf. ☐ fml. ☒ Mailing Certif.
☐ Priority Claim ☐ Cert. Prior. Doc(s) ☐ PCT Cover Sheet WO
☐ Amend pgs . . . ☐ Prel. Amend pgs . . . ☐ Letter
☐ Response pgs . . . ☐ 37CFR1.116 ☐ Not. of Appeal
☐ Brief pgs . . . ☐ Appndx pgs . . . ☐ I.D.S. + . . . Refs.
☐ Assoc Pwr of Atty ☐ . . . Specimen ☐ Declaration
☒ Pet. for Ext . . . Mo. ☐ Pet . . . ☒ Check \$ 110
☐ Issue Fee ☐ Assignment ☐ PTOL
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DOCKET NO. GR 95 P 1411 Mailed July 3, 2000
APPLIC. NO. CPA of 09/020,872 Express Mail EL608559287US
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papers indicated below were received.

Applic pgs . . . Rule 53b New ☐ Contin ☐ Div ☐ CIP ☐ / Rule 53c Prov. ☐ / Rule 53d CPA ☒
☐ CIP . . . pgs ☐ TM ☐ Design ☐ . . . Dwgs ☐ inf. ☐ fml. ☒ Mailing Certif.
☐ Priority Claim ☐ Cert. Prior. Doc(s) ☐ PCT Cover Sheet WO
☐ Amend pgs . . . ☐ Prel. Amend pgs . . . ☐ Letter
☐ Response pgs . . . ☐ 37CFR1.116 ☐ Not. of Appeal
☐ Brief pgs . . . ☐ Appndx pgs . . . ☐ I.D.S. + . . . Refs.
☐ Assoc Pwr of Atty ☐ . . . Specimen ☐ Declaration
☐ Pet. for Ext . . . Mo. ☐ Pet . . . ☒ Check \$ 690
☐ Issue Fee ☐ Assignment ☐ PTOL
☐ St. of Use ☐ Cert. of Corr. ☐ File rec. corr

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Practitioner's Docket No.: GR 95 P 1411 P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Gunther Plasa
Applic. No. : 09/020,872 Group No. : 2812
Filed : February 9, 1998 Examiner : Walter L. Lindsay Jr.
For : Method for Producing a Memory Cell

Box CPA
Commissioner of Patents and Trademarks
Washington, D.C. 20231

CONTINUED PROSECUTION APPLICATION (CPA)(37 CFR 1.53(d))



CERTIFICATION UNDER 37 C.F.R.1.8(a) and 1.10
*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING/TRANSMISSION

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents and Trademarks, Washington, D.C. 20231.
- ☐ 37 C.F.R.1.8(a) - with sufficient postage as first class mail.
- ☒ 37 C.F.R. 1.10 - as "Express Mail Post Office to Addressee"
Mailing Label No. EL608559287US
- ☐ 37 C.F.R.1.8(a) - transmitted by facsimile to the Patent and Trademark Office.

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Signature

Date: July 3, 2000

WERNER H. STEMER

1. This is a request for a filing of a continued prosecution application under 37 CFR 1.53(d) of the above identified prior nonprovisional application.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings and oath or declaration from the prior application, to constitute this new application, and that the application number of the above identified prior application be assigned for identification purposes. 37 CFR 1.53(d)(2)(iv).

It is also requested that the above identified application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 CFR 1.53 (d)(2)(v).

2. With respect to the above identified nonprovisional application this continued prosecution application is being filed:

- A. ☒ before the earliest of the:
☒ termination of the proceedings on the prior application. 37 CFR 1.53(d)(1)(ii)(C).
☒ payment of the issue fee thereon. 37 CFR 1.53(d)(1)(ii)(A).
☒ abandonment of the prior application. 37 CFR 1.53(d)(1)(ii)(B).

OR

- B. ☐ after the payment of the issue fee but a petition under §1.313(b)(5) has been granted in the prior application. 37 CFR 1.53(d)(1)(ii)(A).

- C. The term for response or taking action in the prior application expired on June 1, 2000.

☒ An extension of time in the prior application :

☒ is filed concurrently in the prior application

☐ has been filed on

3. It is noted that:

- This application discloses and claims only subject matter disclosed in the prior application. 37 CFR 1.53(d)(2)(ii).
- Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. §122 to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 CFR 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 CFR 1.53(d)(6)

- Filing of this request is the specific reference required by 35 U.S.C. §120 to every application assigned the application number identified in this request and that no amendment in this application may delete this specific reference to any prior application. 37 CFR 1.53(d)(7) and 1.78(a)(2).

4. This continued prosecution application names as inventors:

The same inventors named in the prior application on the date this continued prosecution application under 37 CFR 1.53(d) is being filed. 37 CFR 1.53(d)(4).

5. Enter the amendment previously filed on June 30, 2000, under 37 C.F.R. 1.116 but unentered in the prior application.

6. **Fee Calculation**

Regular application

CLAIMS AS FILED

Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$690.00
Total Claims (37 CFR 1.16(c))	10	- 20=		x \$ 18.00	
Independent Claims (37 CFR 1.16(b))	1	- 3=		x \$ 78.00	
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))					+ \$260.00

- ☐ Amendment canceling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 690.00

8. **Fee Payment Being Made at This Time**

☒ Filing fee \$690.00
Total fees enclosed \$690.00

9. **Method of Payment of Fees**

Check in the amount of \$690.00

10. **Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees during the entire pendency of this application to Account No. 12-1099.

- ☒ 37 C.F.R. 1.16(a),(f) or (g) (filing fees)
☒ 37 C.F.R. 1.16(b),(c) and (d) (presentation of extra claims)
☒ 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or
declaration on a date later than the filing date of the application)
☒ 37 C.F.R. 1.17(a)(1)-(5)(extension fees pursuant to §1.136(a))

11. **Instructions as to Overpayment**

- ☒ Credit Account No. 12-1099.
☐ Refund



SIGNATURE OF PRACTITIONER

WERNER H. STEMER
REG. NO. 34,956

Date: July 3, 2000

Tel. No.: (954) 925-1100
Fax No.: (954) 925-1101
/bb

P.O. Box 2480, Hollywood, FL 33022
P.O. Address

Docket No.: GR 95 P 1411 P

"Express Mail" mailing label number EL608559287US

Date of Deposit: July 3, 2000

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WERNER H. STEMER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Gunther Plasa
Applic. No. : 09/020,872
Filed : February 9, 1998
For : Method for Producing a Memory Cell
Examiner : Walter L. Lindsay Jr. Group No. : 2812

PETITION FOR EXTENSION OF TERM FOR REPLYING
TO OFFICE ACTION, DATED MARCH 1, 2000

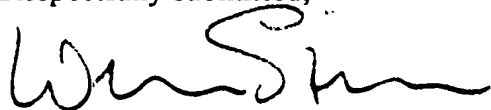
Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

Sir:

Petition for extension is herewith made. The extension fee for response within a period of one (1) month pursuant to Section 1.136(a) in the amount of \$110.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to Deposit Account No. 12-1099 of Lerner and Greenberg, P.A..

Respectfully submitted,



For Applicants

WERNER H. STEMER
REG. NO. 34,956

Date: July 3, 2000

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101
/bb

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

BP

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097020.872	02/09/98	PLASA	G GR-95-P-1411

LERNER AND GREENBERG
POST OFFICE BOX 2480
HOLLYWOOD FL 33022-2480

MMC1/0609

EXAMINER

LINDSAY JR. W

ART UNIT

PAPER NUMBER

2812

DATE MAILED:

06/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Advisory Action

Application No.
09/020,872

Applicant(s)

Plasa

Examiner
Walter L. Lindsay Jr.

Group Art Unit
2812



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on May 30, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☒ will not be entered because:

- ☒ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: The statment wherein the silicon dioxide is used to structure the polysilicon layer would require further consideration and searching.

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-10

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

- ☐ Other

John F. Niebling
Supervisory Patent Examiner
Technology Center 2800

GR 95 P 1411 P

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By:

Marshall Nelt

Date:

May 26, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gunther Plasa
Applic. No. : 09/020,872
Filed : February 9, 1998
Title : Method for Producing A Memory Cell
Examiner : Walter L. Lindsay Jr.
Group Art Unit : 2812

A M E N D M E N T under 37 C.F.R. § 1.116

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

S i r :

Responsive to the final Office action dated March 1, 2000,
kindly amend the above-identified application as follows:

In the Claims:

Claim 1 (amended). In a method for producing a memory cell
having a transistor and a capacitor in an integrated circuit,
the improvement which comprises:

initially providing a whole-area polysilicon layer;

covering the polysilicon layer with an oxidation protection layer;

structuring the oxidation protection layer by photolithography to produce a mask covering a gate region and a field region of the transistor by etching the oxidation protection layer and uncovering the polysilicon in unmasked regions, causing the oxidation protection layer remaining over the field region to form a dielectric and the underlying polysilicon to form a first electrode of the capacitor;

converting the polysilicon of the polysilicon layer in regions freed from the oxidation protection layer into silicon dioxide by local oxidation and thereby structuring the polysilicon layer;

applying a further polysilicon layer with an inclusion of a remaining oxidation protection layer;

applying and structuring a photoresist mask to cover a region of the further polysilicon layer disposed above the field region for forming a second electrode of the capacitor; and

producing the second electrode of the capacitor by etching the further polysilicon layer in the unmasked regions.

Remarks:

Reconsideration of the application is requested.

Claims 1-10 remain in the application. Claim 1 has been amended.

In item 2 on page 2 of the above-identified Office action, claims 1-10 have been rejected as being obvious over Mai et al. (US 4,445,266) in view of Zdebel et al. (US 4,837,176) under 35 U.S.C. § 103.

The rejection has been noted and claim 1 has been amended in an effort to even more clearly define the invention of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 as amended calls for, inter alia:

converting the polysilicon of the polysilicon layer in regions freed from the oxidation protection layer into silicon dioxide by local oxidation and **thereby structuring the polysilicon layer;**

The Examiner stated in his Response to Arguments on page 4 of the Office action that "[a]pplicant argues that Mai et al does not disclose converting silicon to silicon dioxide in

order to structure the polysilicon layer. In view of this argument the examiner would like to point out that, no where [sic] in the claim language is it stated that the polysilicon layer is to be structured by the formation of the silicon dioxide layer". Claim 1 was amended as to recite that the polysilicon layer is to be structured by the formation of the silicon dioxide layer.

For a more detailed discussion of the invention of the instant application, the cited prior art and how the invention of the instant application differs from the cited prior art, the Examiner is respectfully directed to the arguments in the last response.

It is accordingly believed to be clear that *Mai et al.* in view of *Zdebel et al.* do not suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since claims 2-10 are ultimately dependent on claim 1, they are believed to be patentable as well.

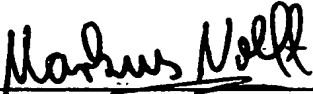
In view of the foregoing, reconsideration and allowance of claims 1-10 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, the Examiner is respectfully requested to telephone counsel so that, if possible, patentable language

can be worked out. In the alternative, the entry of the amendment is requested as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



MARKUS NOLFF
REG. NO. 37,006

For Applicant

MN:cgm

May 26, 2000

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101